IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 28221 of 2004(I)

PETITIONER:

**P. ROSHNA KABIR, AGED 19 YEARS,
D/O. P.T. AHMED KABIR, C-3 ELECTRONICS &
INSTRUMENTATION, COLLEGE OF ENGINEERING,
KIDANGOOR, KIDANGOOR SOUTH P.O.,
KOTTAYAM-686 583. (RESIDING AT 110-B, RAILWAY
QUARTERS, ERNAKULAM SOUTH, KOCHI-682 106).**

**BY ADV. SRI.T.M.ABDUL LATHEEF
SMT.P.RESHMA KABIR
SRI.P.M.SHAMEER**

RESPONDENTS:

**1. STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER
EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.**

**2. DIRECTOR, CO-OPERATIVE ACADEMY OF
PROFESSIONAL EDUCATION (CAPE),
THIRUVANANTHAPURAM.**

**3. PRINCIPAL, COLLEGE OF ENGINEERING,
KIDANGOOR, KIDANGOOR SOUTH P.O.,
KOTTAYAM-686 583.**

**BY ADV. SRI.K.P.DANDAPANI (SR.)
BY GOVERNMENT PLEADER SMT.DEEPA K.R.**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/01/2007, ALONG WITH WPC NO. 29391 OF 2004 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.28221/2004.

APPENDIX

Petitioner's Exhibits:-

P1: Copy of the GO(Ms).No.116/2004/II.Edn. Dtd.15-9-2004.

P2: Copy of the certificate No.C.1239/2004/L.Dis. Dtd.10-8-2004 issued by the 3rd respondent.

P3: Copy of the petition portion of the Mass Petition submitted before the 3rd respondent dated nil.

P4: Copy of the Fee Receipt No.0228 dtd.2-7-2004 issued by the 3rd respondent.

P5: Copy of the News item appeared in Hindu Daily dtd.4-8-2004.

Respondents' Exhibits:-

2nd & 3rd respondents' Exhibits:-

R3(1): Copy of GO(Rt.)No.718/03/H.Edn. Dtd.26-5-2003 of the Government of Kerala Higher Education (G) Department.

R3(2): Copy of CAP 2003 Information Brochure by the Commissioner of Entrance Examinations, Thiruvananthapuram.

R3(3): Copy of G.O.(Rt.)No.867/2004/H.Edn. Dtd.29-6-2004 of the Government of Kerala, Higher (G) Department.

R3(4): Copy of the common judgment dtd.8-9-2004 in WP(C).No.20067/2004 and connected cases of this Hon'ble Court.

R3(5): Copy of letter No.CEE.2200/2003/TA dtd.6-8-2004 from the Commissioner for Entrance Examinations to the Principals of All Self-Financing Colleges.

R3(6): Copy of letter No.Acd-3279/2004/CAPE dtd.6-8-2004 from the Director, Co-operative Academy of Professional Education to the Commissioner of Entrance Examinations, Thiruvananthapuram along with its enclosure.

R3(7): Copy of the History of Fee Structure in Self-Financing Engineering Colleges in Kerala.

R3(8): Copy of Prospectus for Admission to Professional Degree Courses 2002 published by the Commissioner of Entrance Examinations, Thiruvananthapuram.

R3(9): Copy of the Counter affidavit dtd.20-9-2004 filed by the State Government before this Hon'ble Court in WP(C).No.26290/2004.

(true copy)

P.A. TO JUDGE.

kvs/-

K.BALAKRISHNAN NAIR, J.

W.P.(C).Nos.28221/2004, 29391 of 2004, 30792 of 2004 31180 of 2004, 31181 of 2004, 31242 of 2004, 31282 of 2004, 32001 of 2004,32011 of 2004 & 27568 of 2005

Dated this the 12th day of January, 2007

JUDGMENT

The petitioners in these writ petitions are students of B.Tech courses in different disciplines under the two colleges run by the Co-operative Academy of Professional Education. The dispute relates to payment of fee for the academic year 2004-2005. They claim that they need pay fee only at the rate applicable to Government colleges. But, the academy maintains that they are liable to pay the fee at the rate fixed by Justice K.T.Thomas Committee.

2. The point raised in these writ petitions is covered by the decision of this Court in O.P.No.35101 of 2004 and connected cases dated 9-8-2006, W.P.(C) 21690 of 2004 and connected cases dated 8-1-2007 and also W.P.(C) 22655 of 2004 and connected cases dated 3-1-2007.

In view of the above position, these writ petitions are dismissed.

K.BALAKRISHNAN NAIR,JUDGE.

MS